

REMARKS

Claims 1-11 are all the claims pending in the application. The Examiner rejects claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Morrone et al. (US 6,778,086), and claims 5-6 under 35 U.S.C. §103(a) as being unpatentable over Morrone. The Examiner also objects to claims 4 and 7-8 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims. Claims 9-11 are allowed.

Applicant respectfully requests acknowledgment of the claim for foreign priority under 35 U.S.C. §119.

§ 102(b) Rejections

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *See*, MPEP 2131.

The present invention relates to a sliding cover for a communication terminal, wherein the cover may be moved to one of several positions and the terminal can detect the position of the cover to determine an operating mode of the terminal. The cover positions are determined by locating a number of grooves on an inner wall of the terminal body that mate with a trapezoidal flange located on the sliding cover. *See*, App., paras. [0024-0025], and Fig. 3. The cover may be positioned such that the flange on the may mate with any one of the flanges located on the terminal body inner wall thereby securing the cover in that particular position.

Claims 1 and 2

Claims 1-3 stand rejected under 35 U.S.C. §102(e) as being anticipated by Morrone. Morrone is directed an open window security lock having a switch to sound an alarm if the lock is moved from the window frame. The security lock comprises a staff wherein the staff length

may be adjustable to fit a window or a sliding door and to provide a particular opening. The security lock is adjusted to a particular length and affixed to a stationary portion of a partially open door or window. The lock is affixed in a way that prevents the door or window from opening any farther. Therefore an opening may be provided that allows circulation of air or the ingress or egress of pets, but does not allow for a larger opening that permits the entry of an intruder. Further, if the lock is removed from the door or window, a switch is provided to sound an alarm.

In operation, the lock is affixed to a non-moveable portion a window or sliding door, with the length of the lock adjusted to provide an opening of a predetermined maximum size. The window or door is partially opened and the lock is placed as a jam to prevent the window or door from opening any further. *See*, '086, Fig. 3. Therefore the window or door may be closed or in any open position up to the permitted opening.

The lock allows the window or door to be in any position from fully closed to any open position up to the permitted opening, however the lock does not detect whether the door or window moves from a closed position to any allowable position. The lock can detect only whether the lock has been moved, not whether the door or window has been moved. *See*, '086, col. 6, lines 57-60, ("Once the portable sliding window lock with an audible alarm has been installed, it will be activated by any attempts to open the sliding window causing the portable slide window lock to move.")) Further, the lock cannot detect whether the window or door has been moved from an initial (or closed) location to at least one designated (or allowable) locations as recited in claims 1 and 2 of the present application.

As recited in Morrone, motion sensors can be used to detect whether the lock has been moved or the sliding portion of the door or window has been moved, *see* '086, col. 8, lines 36-45, but Morrone does not teach the limitation of determining whether the sliding member has been moved to a designated location as recited in claims 1 and 2 of the present application. Morrone teaches only the detection of movement, not the result of being in a specific location due to the movement.

For at least these reasons, Applicant respectfully asserts that because Morrone does not teach all the limitations of independent claims 1 and 2, claims 1 and 2 are allowable. Applicant respectfully requests reconsideration and withdrawal of the rejection.

§ 103(a) Rejections

Claims 5-6

Claims 5-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Morrone. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See*, MPEP 2143.

Claims 5 and 6 relate to a motion detector coupled to a rotatable shaft of a rack and pinion mechanism. The Examiner relies upon the “ordinary skill in the art at the time the invention was made” to combine these limitations with the Morrone reference, but the Examiner does not provide any evidence in the record to support an assertion of common knowledge. *See*, MPEP 2144.03 (B and C). Applicant submits that even if a rack and pinion mechanism having a rotatable shaft is known in the art, but applying the rotatable shaft to a motion detector for the purpose of detecting a sliding member being in at least one designated location is not common knowledge.

The Examiner has not provided any motivation found in Morrone to combine Morrone with a rack and pinion mechanism having a rotatable shaft to detect a sliding member being in at least one designated location. Applicant respectfully submits that because motivation is not found in either Morrone or the ordinary skill in the art to combine Morrone with the skill in the art, the Examiner has not made a *prima facie* case for obviousness, and respectfully traverses the rejection.

Further, Applicant respectfully submits that because neither Morrone nor the state of the art when viewed individually or when taken together teach the limitation of applying the rotatable shaft to a motion detector for the purpose of detecting a sliding member being in at least one designated location. The *prima facie* case for obviousness must fail and claims 5 and 6 are allowable as well.

Claims 5-6 depend from allowable claim 2, and for this additional reason are allowable for at least the same reasons as those described above. Applicant respectfully requests reconsideration and withdrawal of the rejections.

Dependent claims 3-4 and 7-8


Each dependent claim depends from an allowable independent and is allowable for at least the same reasons as those described above. Applicant respectfully requests reconsideration and withdrawal of the rejections.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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